

In the Iowa Supreme Court

CLERK SUPREME COURT

Request for Public Comment)	
on Proposed Standards of Practice)	Order
for Lawyers and Child and Family)	
Reporters in Child Custody Cases)	

The Iowa Supreme Court seeks public comment on two sets of proposed standards of practice in child custody cases: (1) the Iowa Standards of Practice for Lawyers Representing Children in Child Custody Cases; and (2) the Iowa Standards of Practice for Child and Family Reporters in Child Custody Cases. The Iowa Supreme Court Family Law Case Processing Reform Task Force recommended in its Report (May 2016) that the court adopt both sets of standards.

The proposed **Iowa Standards of Practice for Lawyers Representing Children in Child Custody Cases** distinguish two types of lawyers representing children: the Child’s Attorney, who provides independent legal representation for the child; and the Guardian ad Litem, who advocates for the child’s best interests. The standards are based on the model ABA Standards of Practice for Attorneys Representing Children and are consistent with 2017 legislative changes to Iowa Code section 598.12. The standards provide as follows:

These standards do not add obligations to the Iowa Rules of Professional Conduct, but like the comments to those rules provide guidance to attorneys representing children in custody cases for practicing in compliance with the rules. In the event of any conflict between these standards and a Rule of Professional Conduct, the requirements of the rule take precedence.

The proposed **Iowa Standards of Practice for Child and Family Reporters in Child Custody Cases** are designed to provide guidance for Child and Family Reporters (CFRs) “to promote uniformity, consistency, and accountability in CFR reports, to promote respect and for the rights of parties

and their children, and to improve custody, visitation, and other outcomes for children.” Courts appoint CFRs to gather information about the care and custody of children and on other matters bearing on the child’s best interests under Iowa Code chapters 598 and 600B to assist the court in making custody, visitation, or other decisions regarding the child’s welfare. The proposed standards are modeled after the Colorado Chief Justice Directive (04-08) Concerning Court Appointments of Child and Family Investigators (Article VIII. Standards of Practice).

Prior to further consideration of both proposed sets of standards, the supreme court seeks public comment on the standards. Both sets of proposed standards are provided with this order and may be found on the judicial branch website at: www.iowacourts.gov/About_the_Courts/Supreme_Court/Orders/. In addition, copies are available at the office of the Clerk of the Supreme Court, Judicial Branch Building, 1111 East Court Avenue, Des Moines, Iowa 50319.

Any interested organization, agency, or person may submit comments regarding the proposed standards. Comments should refer to the proposed set of standards and the article, line, and page numbers to which the comments are directed. (For example, Iowa Standards of Practice for Lawyers Representing Children in Child Custody Cases, article I, line 29, page 1.) Comments sent by email must be emailed to **rules.comments@iowacourts.gov**, must state **“Proposed Standards”** in the subject line of the email, and must be sent **as an attachment to the email in Microsoft Word format**. Instead of submission by email, comments may be delivered in person or mailed to the Clerk of the Supreme Court, Judicial Branch Building, 1111 East Court Avenue, Des Moines, Iowa 50319.

Any comments received may be posted on the Iowa Judicial Branch

website.

The deadline for submitting comments is 4:30 p.m. on February 26, 2018.

Dated this 27th day of November, 2017.

The Supreme Court of Iowa

By Mark S. Cady
Mark S. Cady, Chief Justice